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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,184	06/30/2000	Samuel N. Zellner	BS99-224	9720
39072	7590	11/28/2006	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC, P.A.			BROWN, CHRISTOPHER J	
P.O. BOX 37428			ART UNIT	
RALEIGH, NC 27627			PAPER NUMBER	

2134

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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**Technology Center 2100**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/608,184  
Filing Date: June 30, 2000  
Appellant(s): ZELLNER; SAMUEL N.

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Mitchell S. Bigel  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 9/20/2006 appealing from the Office action  
mailed 5/11/2006.

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**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

5,708,422	BLONDER	1-1998
6047268	BARTOLI	4-2000

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 56-65 are rejected under 103(a) as being unpatentable over Blonder US 5,708,422 in view of Bartoli US 6,047,268**

As per claim 56, 60, Blonder teaches a payer (customer) who is initiating a commercial transaction (charge a purchase), (Col 4 lines 34-40). Blonder teaches requesting authorization (validation) for the commercial transaction (Col 5 lines 25-28, 32-37). Blonder teaches notifying the payer (customer) substantially simultaneously of the commercial transaction upon a request for authorization of the commercial transaction (Col 2 line 61 – Col 3 line 3, Col 7 lines 20-33). Blonder teaches a notification device (Pager) to receive the message and present it to the payer (Col 11 lines 38-42). Blonder does not explicitly teach sending a contact help number with the page or message

Bartoli teaches sending a message to the user regarding a financial transaction including a customer assistance phone number, (Col 7 lines 28-34). It would have been obvious to

one of ordinary skill in the art to combine the customer assistance phone number with the notification message of Blonder because a customer receiving the message by page would need to know where to call.

As per claim 57, the Blonder-Bartoli combination teaches a customer assistance phone number which may be used to report criminal activity, (Bartoli Col 7 lines 28-34).

As per claims 58, 59, 61, and 62 Blonder teaches that the message contains information independent of the commercial transaction (Col 7 lines 49-53, Fig 5, 502).

As per claims 63, 64, and 65, Blonder teaches an authorization indicator that the transaction is authorized, (Col 12 lines 5-7).

#### **(10) Response to Argument**

A. The Appellant argues that there is no motivation to combine Blonder with Bartoli. The examiner argues that there is motivation from the knowledge generally available to one of ordinary skill in the art. Blonder teaches a transaction authorization and alert system where the customer is alerted via a pager or other means when a transaction is made. Bartoli teaches providing a customer a contact phone number for customer assistance after a failed authorization from a billing system. It would have been obvious from the knowledge generally available to one of ordinary skill in the art to include a

customer assistance number from Bartoli on the pager notification of Blonder. It is beneficial to the customer who may have inquiries regarding the transaction at hand.

**B.** The Appellant argues claims 56, 60, and 62 are patentable over the prior art of record. The Appellant argues that claim 56 states “the notification message including therein a help communication address for assistance with the commercial transaction”. The appellant argues that claim 60, states “the notification message including therein a communication address for reporting criminal activity that is related to the commercial transaction”. The appellant argues that claim 62 states “the notification message including therein identifying information related to the commercial transaction, and other information that may be desired by the payer that is independent of the commercial transaction”.

The examiner concedes that for claims 56, and 60, Blonder does not teach a help communication address. The examiner does not rely on Blonder for such a teaching.

The examiner relies on Bartoli.

As per claim 56, The appellant argues Blonder illustrates the messages sent and that the communication address's are not among the messages sent via the pager as taught in Blonder. The appellant argues that the examiner relies on Bartoli to remedy this deficiency, but that Bartoli only teaches messages sent in an authorization system and not a monitoring system. The appellant argues that Bartoli only teaches messages sent via

the internet, and not by a pager. The examiner argues that Bartoli's help communication address merely adds useful information that is in no way repugnant to the information already sent in the message of Blonder. The examiner argues that the authorization system of Bartoli is in an analogous art to the system of Blonder. The examiner argues that Bartoli is only relied upon for the help communication address, and that it would have been obvious to use such an address in the system of Blonder.

The appellant argues with respect to claim 60 that a communication address for reporting criminal activity is not shown in the Blonder-Bartoli combination. The examiner argues that Bartoli teaches a customer assistance number at which the examiner asserts could be used to report criminal activity for instance, a stolen credit card. The appellant's instant specification states on page 11 line 13 "to report criminal activity, e.g., the phone number of credit card company". The examiner argues that Bartoli teaches a customer assistance number of a "billing system", which is equivalent to a credit card company.

The appellant argues with respect to claim 62 that the Blonder-Bartoli combination does not teach information that is independent of the commercial transaction. The appellant argues that the number of transactions within 24 hours includes the current transaction and therefore is dependent on it. The examiner had cited column 7 lines 49-53, and Figure 5, 502, indicating that the "card was used for XX transactions within 24 hours" is completely independent of the "commercial transaction" in question. While the current transaction may be included in the number of transactions, the number itself does not

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have anything specifically to do with the transaction. The number is not dependent on the current transaction because it relies on the multiple transactions that have occurred in 24 hours. The amount of money, for instance, for the current transaction, is dependent on the current transaction or, where the card was used for the current transaction, is dependent on the current transaction. The number of transactions in 24 hours, however, is independent. Furthermore, as stated in the final office action, Figure 4, field 401 states the card holder's name, which may also be independent of "the commercial transaction".

C. Appellant argues that claims 57-59, and 61 are patentable by virtue of the patentability of the independent claims from which they depend. The examiner argues that all dependent claims are rejected based on their dependence on the above rejected independent claims 56, 60, and 62, and for the reasons provided in the grounds of rejection..

**(11) Related Proceeding(s) Appendix**

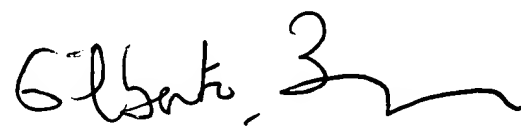
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Christopher Brown



  
GILBERTO BARRON JR  
SUPERVISORY PATENT EXAMINER  
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